

Appl. No. 09/575,277
Amdt. dated October 10, 2003
Reply to Office Communication of 10 September 2003

Remarks/Arguments

The applicant would like to thank the Examiner for clarifying the election of species requirement in the telephone conference of 9 October 2003, between the Examiner and the undersigned. During that conversation, the Examiner advised the applicant to select one SHT₁ agonist and one non-narcotic analgesic to satisfy the election requirement. In light of that conversation and in response to the Notice of Incomplete Response of 10 September 2003, applicant hereby provisionally elects the species of Invention Group IV directed to the use of naratriptan as the SHT₁ agonist and COX-2 inhibitors as the non-narcotic analgesic. Claims 27, 32, 43, and 44 are directed to naratriptan. Claims 30, 35, 39, and 40 are directed to COX-2 inhibitors.

The applicant respectfully submits that claims 19-25 are generic claims in accordance with the Manual of Patent Examining Procedure § 806.04(d). "In general, a generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species. For the purpose of obtaining claims to more than one species in the same case, the generic claim cannot include limitations not present in each of the added species claims. Otherwise stated, the claims to the species which can be included in a case in addition to a single species must contain all the limitations of the generic claim." The remaining claims in Invention Group IV are species claims. Claims 19-25 do not include any additional limitations not found in any of the species claims. Therefore, the applicant respectfully submits that upon the allowance of any one of generic claims 19-25, species claims 17, 18 and 26-54 should be allowed.

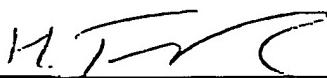
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In view of the above, it is respectfully believed that all of the presently submitted claims are allowable and a Formal Notice of Allowance is courteously solicited.

Respectfully submitted,
Husch & Eppenberger, LLC

By:

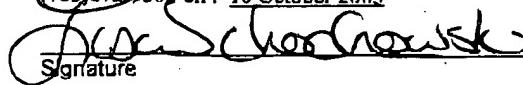


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